

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RAJA KANNAN,  
Plaintiff,  
v.  
APPLE INC.,  
Defendant.

Case No. [17-cv-07305-EJD](#) (VKD)

**ORDER RE DISCOVERY DISPUTE RE  
MR. KANNAN'S DOCUMENT  
PRODUCTION**

Re: Dkt. No. 184

Defendant Apple Inc. ("Apple") moves to compel plaintiff Raja Kannan's compliance with this Court's prior orders regarding Mr. Kannan's production of documents responsive to Apple's Requests for Production Nos. 16 and 18. The Court conducted a hearing on this matter on November 20, 2019. Dkt. No. 206. For the reasons stated on the record, the Court grants the motion in part as follows:

The Court will not order further review or production of documents responsive to Request No. 16. However, Apple may serve an interrogatory on Mr. Kannan that asks Mr. Kannan to identify the dates during which Mr. Kannan's wife and son were in India during Mr. Kannan's employment with Apple beginning on August 29, 2011. Mr. Kannan shall respond to this interrogatory within 14 days of service. Mr. Kannan's answer shall be as specific as possible with respect to the dates.

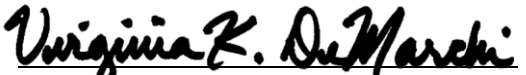
The Court concludes that Mr. Kannan and his counsel have not conducted an adequate search of Mr. Kannan's email for documents responsive to Request No. 18 and have made representations to the Court about Mr. Kannan's activities that are, at best, misleading. It was not and is not reasonable for Mr. Kannan to construe the phrase "development of . . . software application[s]" in Request No. 18 as limited to writing computer code. For this reason, the Court

orders Mr. Kannan's counsel to personally review Mr. Kannan's email for documents responsive to Request No. 18. Counsel may be assisted in that effort by a third party vendor. The review shall be conducted according to the following procedure:

1. Apple shall propose search terms specific to identifying documents responsive to Request No. 18 no later than **November 25, 2019**;
2. The parties shall confer regarding the proposed search terms and finalize the list of terms no later than **December 6, 2019**;
3. Mr. Kannan's counsel will apply the search terms and review the emails that hit on those terms. Mr. Kannan will produce all responsive non-privileged documents from that review no later than **December 18, 2019**.

**IT IS SO ORDERED.**

Dated: November 20, 2019

  
VIRGINIA K. DEMARCHI  
United States Magistrate Judge